

REMARKS

The Office Action mailed November 8, 2007 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. The specification is amended herein. Claims 1-19, 21-22, and 25 are pending in this application. Claims 9-12, 14, 15, 17, and 18 are withdrawn from consideration. Claims 1, 13, 16, and 21 are amended herein. New claim 25 has been added. Applicant submits that no new matter or issues have been introduced.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 8, 13, 16, 19, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 6,478,783 to Moorehead (hereinafter, "Moorehead"). Claims 1-8, 13, 16, 19, and 21 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,137,529 to Watson et al. (hereinafter, "Watson"). Applicant respectfully traverses these rejections.

Independent claims 1, 13, 16, and 21, amended herein to further distinguish the cited art re-applied by the Office, each include recitation to a port stem including *one or more* catheter retention features and a visual indicator marking, the visual indicator marking distinct from *each* of the catheter retention features. Support for the amendment can be found in the originally filed application at, for example, paragraph [0014].

In the Response filed on August 13, 2007 (hereinafter, "Response"), Applicant distinguished the cited art by arguing that a catheter retention feature and visual indicator marking were distinct elements, and that none of the cited art showed or described a visual indicator marking distinct from the catheter retention feature. This Office Action alleges that Moorehead discloses "a catheter retention feature (distal 80) and a visual indicator marking (proximal 80) disposed on the port stem distal of an outer edge of the housing and proximal of the catheter retention feature, the visual indicator marking distinct from the catheter retention feature." (Office Action, p. 2). In the Response to Arguments section the Office Action asserts that the "proximal barb and distal barb are not integrally formed with each other and are clearly offset from each other" such that "they are separate from each other and are distinct from each other." (Office Action, p. 4).

As set forth above, Applicant has amended the independent claims to address the Examiner's position that the proximal barb and distal barb of Moorehead are separate and distinct such that the proximal barb reads on the claimed feature of a visual indicator marking. In particular, the independent claims are amended herein to recite a port or outlet stem with *one or more* catheter retention features and a visual indicator marking that is distinct from *each* of the catheter retention features. As recognized in the Office Action, Moorehead shows and describes a proximal barb and a distal barb, each of which are identified as catheter retention features (*see, e.g.*, Moorehead, col. 3, ll. 49-53). Moorehead, however, does not show or describe a visual indicator marking that is distinct from each of the one or more catheter retention features as claimed. Accordingly, Applicant respectfully submits that Moorehead does not anticipate claims 1, 8, 13, 16, 19, or 21 and request favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

The Office Action also alleges that Watson discloses “a catheter retention feature (distal protrusion, not numbered), and a visual indicator marking (72) disposed on the port stem distal of an outer edge of the housing and proximal of the catheter retention feature, the visual indicator marking distinct from the catheter retention feature.” (Office Action, p. 3). However, Watson identifies feature 72 as follows: “a catheter retention knob 72 is formed about the tapered portion 70 to help anchor the catheter or surgical tubing to the outlet connector 62.” (Watson, col. 6, ll. 41-43). Thus, Watson does not show or describe visual indicator marking that is distinct from each of the one or more catheter retention features as claimed. Accordingly, Applicant respectfully submits that Watson does not anticipate claims 1-8, 13, 16, 19, or 21 and request favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

Claim Rejections - 35 U.S.C. § 103

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Moorehead or Watson in view of USPN 4,772,270 to Wiita et al. Applicant respectfully traverses this rejection.

Without conceding the propriety of the asserted combination, in view of the above, Applicant submits that claim 22 depends from patentable independent claim 21 and is therefore

patentable. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

New Claim

New claim 25 recites, *inter alia*, “a visual indicator marking disposed on the port stem distal of an outer edge of the housing and proximal of the at least one catheter retention feature, the visual indicator marking configured solely to indicate proper placement of a proximal end of a catheter on the port stem.” Because the cited art does not show or describe at least these features, Applicant respectfully submits that claim 25 is patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062001800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 10, 2008

Respectfully submitted,

Electronic signature: /Todd W. Wight/
Todd W. Wight
Registration No.: 45,218
MORRISON & FOERSTER LLP
19900 MacArthur Boulevard
Irvine, California 92612-2445
(949) 251-7189